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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,386	03/07/2002	Koichi Emura	P22079	8736
7055 7590 01/12/2012 GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191				
EXAMINER ALAM, MUSHFIK II				
ART UNIT 2426		PAPER NUMBER		
NOTIFICATION DATE 01/12/2012		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com  
pto@gbpatent.com

### Office Action Summary

**Application No.**

10/091,386

**Applicant(s)**

EMURA ET AL.

**Examiner**

MUSHFIKH ALAM

**Art Unit**

2426

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 September 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on \_\_\_\_; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 5) ☒ Claim(s) 40, 42, 43, 45-47, 49, 50 and 52-54 is/are pending in the application.
- 5a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 6) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 7) ☒ Claim(s) 40, 42, 43, 45-47, 49, 50 and 52-54 is/are rejected.
- 8) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 9) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☒ The drawing(s) filed on 07 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-942)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

**DETAILED ACTION**

1. Claims 40, 42-43, 45-47, 49-50, 52-54 are pending.
2. In view of the Appeal Brief filed on 9/29/2011, PROSECUTION IS HEREBY REOPENED.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 40, 43, 44, 46-47, 49-50, 52-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cobbley et al. (US 5614940) in view of Fransman et al. (US 2006/0179469), and further in view of Mauldin et al. (US 5664227) (of which Wactlar et al. is incorporated by reference).

**Claim 40, Cobbley teaches** a media distribution apparatus (110) that includes a server and that selectively distributes views (segments) comprising original media of content and a preview (story summary) summarizing the content to an external client terminal connected via a network, the media distribution apparatus comprising:

a storer (125) that stores the views (segments) and first metadata (indexing information) for explaining the views (i.e. describe key aspects), the first metadata comprising a plurality of segments (segments) and describing viewpoint information (title, keywords, etc.), the viewpoint information being assigned on a segment-by-segment basis, the viewpoint information comprising a keyword included in the first metadata for explaining the content (col. 7, lines 1-48);

a request receiver (125) that receives a distribution request from the client terminal (end user requests), the distribution request including identification information that identifies the content (title), at least one viewpoint information for extracting the segments of the first metadata (keyword associated with title for related segments), comprising the keyword included in the first metadata for explaining the content

(keywords associated with segments), information that indicates one of a media distribution request (all story segments) and a preview distribution request (segment by segment), and desired time information that is desired by a user of the external client terminal (i.e. selection only or continue after), the identification information and the at least one viewpoint information being selected from list information that is distributed in advance (i.e. made available from cache), the list information comprising the identification information of the content (i.e. title or keyword), a plurality of viewpoint information and assigned to each segment making up the first metadata (fig. 2; col. 9-10, lines 46-6),

a request analyzer that determines whether the distribution request received by the request receiver is a media distribution request or a preview distribution request for content (i.e. all story segments or segment by segment) (col. 9, lines 46-63); a media extractor/generator that, when the received distribution request is determined to be the preview distribution request (e.g. segment of 'news', fig. 2), extracts, from the first metadata (i.e. news), a plurality of segments for making up the preview (segments under news) and adapted to the at least one viewpoint information (keywords related to news) and the included in the received preview distribution request (requesting news) with respect to content corresponding to the identification information included in the received preview distribution request (fig. 2; col. 11-12, lines 1-56).

a media transmitter that transmits the generated preview to the external client terminal (col. 9, lines 60-63).

**Cobbley is silent** regarding the specific feature of "the metadata comprising time information, and the time information being assigned on a segment-by-segment basis."

**Cobbley is also silent** regarding the specific feature of "playback time information of the content".

**Cobbley is also silent** regarding the specific feature of dynamically generates the preview having a time length corresponding to the desired time information included in the received preview distribution request, by fixing a plurality of segments as second metadata so as to have the time length corresponding to the desired time information, using the time information assigned to the extracted plurality of segments, and combining the views stored in the storer corresponding to plurality of segments fixed as the second metadata, the second metadata being different than the first metadata.

**Fransman additionally teaches** a "preview request" (fig. 9; p. 0087).

**Fransman also teaches** the specific feature of "the metadata comprising time information (duration value), and the time information being assigned on a segment-by-segment basis (i.e. for each program element) (fig. 9; p. 0070)."

**Fransman also teaches** the specific feature of "playback time information (duration value) of the content" (p. 0070).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided time information as taught by Fransman to the VOD system of Cobbley to show the duration of programs elements (p. 0080).

**Maudlin teaches** the specific feature of

dynamically generating the preview having a time length corresponding to the desired time information included in the received preview distribution request (col. 8, l. 40-42)(col. 14, l. 62-65 of Wactlar), by fixing a plurality of segments as second metadata so as to have the time length corresponding to the desired time information (i.e. any time length), using the time information assigned to the extracted plurality of segments, and combining the views stored in the storer corresponding to the plurality of segments fixed as the second metadata (col. 7, l. 11-23), the second metadata being different than the first metadata (i.e. skimmed output and new assembled audio interpreted to be different than original transcribed data) (col. 7, lines 10-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided segments of a particular duration as taught my Maudlin to the system of Cobbley to speed up the process of viewing a program by fitting it into a user's request (col. 8, lines 32-58).

Claim 43 is analyzed and interpreted as a method of claim 40.

Claim 46, Cobbley teaches the media distribution apparatus according to claim 40, wherein viewpoint options (titles, keywords) are displayed to a user prior to generating the preview (fig. 2; col. 9-10, 34-59). *The user may search for programs or he may simply select story line segments*

Claim 47, Cobbley teaches the media distribution method according to claim 43, further comprising displaying viewpoint options to a user prior to generating the preview (user is able to select which segment he wishes to view before it being displayed) (fig. 2; col. 9, lines 45-63).

Claims 49, 52, Cobbley teaches the media distribution apparatus/method according to claims 40 and 43, respectively, wherein the storer (125) stores a plurality of metadata for a content (col. 7, lines 1-48).

Claims 50, 53, Cobbley teaches the media distribution apparatus/method according to claims 40 and 43, respectively, wherein the generated preview is cached according to a frequency of access to a corresponding content (col. 9, lines 20-33). *Cobbley teaches that the oldest version is deleted and the oldest is determined by it use, thus this is interpreted that the segments in use are cached.*

Claim 54 recites similar features as claim 40 above, however recites "a server" for performing each step according to claim 40. As discussed above, Cobbley teaches "a server (125)" for performing each step according to claim 40.

5. Claims 42, 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cobbley et al. (US 5614940) in view of Fransman et al. (US 2006/0179469), and further



in view of Mauldin et al. (US 5664227) (of which Wactlar et al. is incorporated by reference), and further in view of Russo et al. (US 5619247).

Claims 42, 45 Cobbley is silent regarding the media distribution apparatus according to claim 40, further comprising a charger that does not charge for the preview or charges according to a length of the generated preview.

Russo teaches the media distribution apparatus according to claim 40, further comprising a charger that does not charge for the preview or charges according to a length of the generated preview (col. 10, l. 64-67). *Russo discloses allowing a user to enjoy content free of charge until a predetermined amount of time of the content has been viewed. At this time a charge will take place.*

Therefore, it would have been obvious to modify Cobbley to include charging a user for content after a certain length of media content has been viewed, such as that taught by Russo in order to compensate a content provider for content viewing, while allowing a user to cancel a transaction if content viewing is terminated early (col. 2, l. 58-63 of Russo).

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 40, 42-43, 45-47, 49-50, 52-54 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

7. Claims 40, 42-43, 45-47, 49-50, 52-54 are rejected.
8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Son et al. (US 7159233) is cited to teach previews with duration length as a metadata.

***Inquiries***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MUSHFIKH ALAM whose telephone number is (571)270-1710. The examiner can normally be reached on Mon-Fri: 8:30-18:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hirl Joseph can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mushfikh Alam/  
Examiner, Art Unit 2426  
1/6/2012

/JOSEPH P. HIRL/  
Supervisory Patent Examiner, Art Unit 2426  
January 8, 2012